

contractual, or other financial relationship that involves other than a routine consumer transaction; or

“(5) only the pecuniary interest of any person for whom the Member, officer, or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent attorney, consultant, or contractor.”

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the House of Representatives should adopt rules relating to conflict of interest identical to the rule adopted in subsection (b).

(d) RESTRICTIONS ON OFFICERS AND SENIOR EMPLOYEES OF THE EXECUTIVE BRANCH TO GUARANTEE IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—

(1) CRIMINAL PROHIBITION.—

(A) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding after section 207 the following:

“§ 207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties

“(a) IMPARTIALITY IN PERFORMING OFFICIAL DUTIES.—No person who is officer or senior employee of the executive branch of the United States shall knowingly participate personally and substantially in an official capacity in any particular matter that directly and particularly benefits a person with whom the officer or senior employee has had a covered relationship.

“(b) PENALTY.—Violation of this section shall be subject to punishment as provided in section 216 of this title.

“(c) DEFINITIONS.—In this section:

“(1) ACTIVE PARTICIPANT.—The term ‘active participant’—

“(A) means devoting significant time to promoting specific programs of the organization, including—

“(i) coordination of fundraising efforts;

“(ii) service as an official of the organization or in a capacity similar to that of a chairman of a committee or subcommittee or a spokesman; and

“(iii) participation in directing the activities of the organization; and

“(B) does not include the payment of dues or the donation or solicitation of financial support, without other participation.

“(2) COVERED RELATIONS.—The term ‘covered relationship’—

“(A) means—

“(i) a person with whom the officer or senior employee personally has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction;

“(ii) a person who is a member of the household of the officer or senior employee, or who is a relative with whom the officer or senior employee has a close personal relationship;

“(iii) a person for whom the spouse, parent or dependent child of the officer or senior employee is, to the knowledge of the officer or senior employee, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;

“(iv) any person for whom the officer or senior employee has, within the last 2 years, served as a paid officer, director, trustee, general partner, lobbyist, agent, attorney, consultant, contractor, or employee; or

“(v) an organization, other than a political party described in section 527(e) of the Internal Revenue Code of 1986, in which the officer or senior employee is an active participant; and

“(3) SENIOR EMPLOYEE.—The term ‘senior employee’ means an employee paid at a rate of Executive Schedule V or higher.”

(B) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 207 the following:

“207a. Restrictions on officers and senior employees of the executive branch to guarantee impartiality in performing official duties.”

(2) PRIVATE-SECTOR EMPLOYMENT.—An officer and a senior employee of the executive branch of the United States shall disclose to the Office of Government Ethics, their private-sector employment for the 6-year period prior to public service and this information shall be made available to the public.

(3) REPORTING OF THE OFFICE OF GOVERNMENT ETHICS.—The Office of Government Ethics shall make available to the public, on the internet and in a public reading room, any waiver granted by an individual agency ethics officer designee under paragraph (c)(2) or (d) of section 2635.502 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 8, 2006, at 2:30 p.m., to receive testimony on the Department of Defense Quadrennial Defense Review.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, March 8 at 10:00 a.m. to consider pending calendar business.

Agenda

Agenda Item 3: S. 476—To authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act.

Agenda Item 8: S. 1131—To authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

Agenda Item 9: S. 1288—To authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System.

Agenda Item 10: S. 1346—To direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

Agenda Item 11: S. 1378—To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

Agenda Item 13: S. 1913—To authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor cen-

ter for the Indiana Dunes National Lakeshore, and for other purposes.

Agenda Item 14: S. 1970—To amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

Agenda Item 15: S. 2197—To improve the global competitiveness of the United States in science and energy technology, to strengthen basic research programs at the Department of Energy, and to provide support for mathematics and science education at all levels through the resources available through the Department of Energy, including at the National Laboratories.

Agenda Item 16: S. 2253—To require the Secretary of the Interior to offer the 181 Area of the Gulf of Mexico for oil and gas leasing.

Agenda Item 17: S. Con. Res. 60—Designating the Negro Leagues Baseball Museum in Kansas City, MO, as America's National Negro Leagues Baseball Museum.

Agenda Item 18: S.J. Res. 28—Approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

Agenda Item 19: H.R. 318—To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

Agenda Item 20: H.R. 326 (S. 505)—To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area.

Agenda Item 21: H.R. 409 (S. 179)—To provide for the exchange of land within the Sierra National Forest, CA, and for other purposes.

Agenda Item 23: H.R. 1129 (S. 100)—To authorize the exchange of certain land in the State of Colorado.

Agenda Item 24: H.R. 1728 (S. 323)—To authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

Agenda Item 25: H.R. 2107—To amend Public Law 104-329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

Agenda Item 26: H.R. 3443 (S. 1498)—To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on

Finance be authorized to meet during the session on Wednesday, March 8, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Taking a checkup on the nation's health care tax policy: a prognosis".

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 10 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2006, at 2:30 p.m. to hold a hearing on The Impact on Latin America of the American Servicemembers' Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, March 8, 2006, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. for a hearing titled, "Hurricane Katrina: Recommendations for Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 8, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2078, Indian Gaming Regulatory Act Amendments of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, March 8, 2006, at 9:30 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark to be Director of the United States Marshals Service; Donald J.

DeGabrielle, Jr. to be U.S. Attorney for the Southern District of Texas; John Charles Richter to be U.S. Attorney for the Western District of Oklahoma; Amul R. Thapar to be U.S. Attorney for the Eastern District of Kentucky; Mauricio J. Tamargo to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S. , Comprehensive Immigration Reform [Chairman's Mark]; S. 1768, a bill to permit the televising of Supreme Court proceedings; SPECTER, LEAHY, CORNYN, GRASSLEY, SCHUMER, FEINGOLD, DURBIN; S. 829, Sunshine in the Courtroom Act of 2005; GRASSLEY, SCHUMER, CORNYN, LEAHY, FEINGOLD, DURBIN, GRAHAM, DEWINE, SPECTER; S. 489, Federal Consent Decree Fairness Act; ALEXANDER, KYL, CORNYN, GRAHAM, HATCH; S. 2039, Prosecutors and Defenders Incentive Act of 2005; DURBIN, SPECTER, DEWINE, LEAHY, KENNEDY, FEINSTEIN, FEINGOLD; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; SPECTER, LEAHY, CORNYN, FEINSTEIN, BIDEN.

III. Matters: S.J. Res. 1, Marriage Protection Amendment; ALLARD, SESSIONS, KYL, HATCH, CORNYN, COBURN, BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 8, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m. for a hearing regarding "Crime Victims Fund Rescission: Real Savings or Budget Gimmick?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance be authorized to meet during the session of the Senate on March 8, 2006, at 10 a.m., to conduct a hearing on "Reauthorization of the Export-Import Bank of the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Wednesday, March 8, 2006, at 2:30 p.m., on the "Impact of Piracy and Counterfeiting of American Goods and Intellectual Property in China."

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADEMARK DILUTION REVISION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, H.R. 683.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[(a) SHORT TITLE.—This Act may be cited as the "Trademark Dilution Revision Act of 2005".

[(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

[Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended—

[(1) by striking subsection (c) and inserting the following:

["(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

["(1) INJUNCTIVE RELIEF.—Subject to the principles of equity, the owner of a famous mark that is distinctive, inherently or through acquired distinctiveness, shall be entitled to an injunction against another person who, at any time after the owner's mark has become famous, commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.

["(2) DEFINITIONS.—(A) For purposes of paragraph (1), a mark is famous if it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. In determining whether a mark possesses the requisite degree of recognition, the court may consider all relevant factors, including the following:

["(i) The duration, extent, and geographic reach of advertising and publicity of the mark, whether advertised or publicized by the owner or third parties.

["(ii) The amount, volume, and geographic extent of sales of goods or services offered under the mark.

["(iii) The extent of actual recognition of the mark.

["(B) For purposes of paragraph (1), 'dilution by blurring' is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is